

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHELE BOTTIGLIERI ARMATORE
S.p.A,

Plaintiff,

v.

EUROPA SHIPPING, INC.,

Defendant.

CASE NO. C14-5257 BHS

ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION

This matter comes before the Court on Plaintiff Michele Bottiglieri Armatore S.p.A.'s ("Plaintiff") motion for reconsideration (Dkt. 11).

On March 27, 2014, Plaintiff filed a verified complaint and an ex parte motion for order for issuance of process of maritime attachment and garnishment. Dkts. 1 & 2. The Court denied the motion for reasons stated therein. Dkt. 10. Plaintiff filed a motion for reconsideration. Dkt. 11. The Local Rules of Procedure provide as follows:

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

1 Local Rule CR 7(h)(1).

2 With regard to a manifest error of law, at most, district courts are split whether an
3 attachment should issue during arbitration. *West of England Ship Owners Mutual Ins.*
4 *Ass'n v. McAllister Brothers, Inc.*, 829 F. Supp. 125, 127 (E.D. Pa. 1993). Therefore,
5 denying Plaintiff's motion was not a manifest error of law.

6 With regard to due process, there are no facts before the Court to show that notice
7 is impractical. The Court is unaware of, and Plaintiff has not provided, authority for the
8 proposition that a district court is precluded from requiring notice when an adversarial
9 proceeding has been initiated. Moreover, there is an absence of facts regarding the issue
10 of whether this is Plaintiff's only opportunity to attach property of Europa. Therefore,
11 the Court will honor the notion of notice and opportunity to be heard instead of altering
12 the status quo based on an anticipated award in concurrent arbitration. Plaintiff's motion
13 for reconsideration is **DENIED**.

14 Dated this 28th day of March, 2014.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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